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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/455,956	12/07/1999	TAPIO HAMEEN-ANTTILA	4925-16	5781

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EXAMINER	
WHITE, CARMEN D	
ART UNIT	**PAPER NUMBER**
3714	

DATE MAILED: 03/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/455,956	Applicant(s) HAMEEN-ANTTILA, TAPIO
	Examiner Carmen D. White	Art Unit 3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *December 26, 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *17* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over ***Lobb*** et al (5,810,680) in view of ***Moriarty*** et al (6,062,991), further in view of ***Eiba*** (6,117,013).

Regarding claims 1-31, the paragraphs of the prior office action (paper #16) that explain, in detail, the instant claim features taught by Lobb, Moriarty and Eiba are incorporated herein. The examiner has modified the rejection to include the rejection of claims 1-11 using the Eiba reference because of Applicant's amendment of claim 1, which now recites the step of "determining a type of mobile terminal used and selecting a prompt display appropriate for the determined type of mobile terminal". This feature is taught by Eiba (see paper #16 for the discussion of this feature, which was also claimed earlier in instant claim 12).

Regarding claims 33-34, Lobb, Moriarty and Eiba teach all the features of the claims as discussed above. While Lobb and Moriarty teach the manual input of data, the references lack the explicit disclosure of the automatic adding of sport data using a detection system. However, the examiner takes official notice that it is well known in the art of sports gaming, particularly in golf whereby cameras as well as sound and motion

sensors are used to detect input from a sport player and the data is added to this system after detection. Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention to employ this feature in Lobb and Moriarty to make the system more convenient, whereby the player does not interrupt his/her sporting event to enter pertinent data into the system.

Examiner's Response to Applicant's Remarks

Applicant argues that Lobb fails to teach the feature of directly loading the sports data from the mobile unit to the remote computer using a wireless connection. The examiner acknowledged this in the initial office action by combining Lobb and Moriarty in a 35 USC 103(a) rejection. Moriarty is cited for teaching this feature (see Figure 1, col. 2, lines 43-45 and lines 56-59 and col. 3, lines 1-8 and lines 47-48).

Applicant also argues that neither Lobb nor Moriarty discloses the use of a public mobile communication network. The examiner disagrees. Neither Lobb nor Moriarty uses Applicant's exact claim language to describe the public mobile communication network used. However, Lobb teaches the use of an IR Port (Fig. 2, #118), which is a type of public mobile communication network. Moriarty further teaches the use of a wireless transceiver (Fig. 1, #350 and #210), which is also a type of public mobile communication network.

Regarding Applicant's argument that Moriarty and Lobb do not teach the feature of the determination of the type of mobile terminal being used, as recited in claims 1 and 12, the examiner cited Eiba for this teaching of the communication from a server to multiple different types of mobile terminals (Fig. 1 and col. 2, lines 62-67). Applicant argues that the combination of Eiba with Moriarty and Lobb is improper. The examiner disagrees. Eiba, Moriarty and Lobb are combinable because they teach the transmission of *game data* via a public mobile communications network. The examiner has not relied upon Eiba to teach the specific feature of sports game data- Lobb and Moriarty are cited for teaching this feature. The examiner has successfully met the requirements for a prima facie case of obviousness by reciting motivation *of one of ordinary skill in the art.*

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

USPTO Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carmen D. White whose telephone number is 703-308-5275. The examiner can normally be reached on Monday through Friday, 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7768 for ***Non-official*** communications and 703-305-3579 for ***Official*** communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1078.

cdw

S. THOMAS HUGHES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700